

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

<p>RODERICK JAMISON, Petitioner, vs. YANKTON FPC WARDEN, Respondent.</p>	<p>4:21-CV-04140-KES ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS WITHOUT PREJUDICE</p>
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Petitioner, Roderick Jamison, brought this pro se petition for writ of habeas corpus under 28 U.S.C. § 2241. Docket 1. The petition was referred to a United States Magistrate Judge under 28 U.S.C. § 636(b)(1)(B), and this court's March 9, 2015, standing order. Respondent filed a motion to dismiss. Docket 10. The Magistrate Judge entered a report and recommended that Jamison's petition be dismissed without prejudice for failure to state a claim upon which relief may be granted. Docket 14 at 9-10. Jamison objected to the report and recommendation. Docket 15.

On February 24, 2022, this court was informed that Jamison had been placed in home confinement. *See* Docket 16. Because Jamison sought to be placed in a residential reentry center in his initial habeas petition, it appeared to this court that Jamison had obtained the relief that he was requesting. *See* Docket 1 at 8. This court directed Jamison to file a document indicating whether he wished to proceed with his claim by March 22, 2022, and informed Jamison that his failure to do so would result in dismissal of his claim without

prejudice. Docket 16. At this time, Jamison has not filed such a document with the court.

Thus, it is ORDERED:

1. That Jamison's petition for writ of habeas corpus (Docket 1) is denied as moot, and the case is dismissed without prejudice.
2. That respondent's motion to dismiss for failure to exhaust administrative remedies, for lack of jurisdiction, and for failure to state a claim (Docket 10) is denied as moot.
3. That the Magistrate Judge's report and recommendation (Docket 14) is not adopted.
4. That Jamison's objection to the Magistrate Judge's report and recommendation (Docket 15) is denied as moot.

Dated April 6, 2022.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE